

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MILOSLAV MULLER,**

**Plaintiff,**

**v.**

**No. 13-cv-0413 MCA/SMV**

**TOM VILSACK, DANIEL M MANZANARES,  
DAVE FLY, TIMOTHY J. HANOSH,  
STEVEN R. ENGLAND, TERRY BEALS,  
PAMELA WHITE, DELAYNE WINELAND,  
STAFFING SOLUTIONS, and JOHN DOES I–X,**

**Defendants.<sup>1</sup>**

**ORDER DENYING REQUEST FOR JUDICIAL NOTICE  
AND STRIKING DOCUMENTS**

THIS MATTER is before the Court sua sponte. Plaintiff initiated this suit on May 7, 2013. [Doc. 1]. He amended his complaint on August 30, 2013. [Doc. 6]. Two motions to dismiss became fully briefed in October of 2013 and are awaiting ruling. [Docs. 35, 36]. On January 29, 2014, the Honorable Alan C. Torgerson, United States Magistrate Judge, stayed the case pending ruling on the motions to dismiss and to allow Defendant Vilsack to file a motion to dismiss. [Doc. 64]. Despite the stay, on February 19, 2014, Plaintiff asked the Court to take judicial notice of voluminous records [Docs. 68–91] because they are “relevant” to his Amended Complaint. [Doc. 68] at 1. However, evidence should generally not be submitted in conjunction with pleadings. *See* Fed. R. Civ. P. 8(a)(2). Moreover, the evidence submitted by Plaintiff does not appear to be relevant to the pending motions to dismiss.

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<sup>1</sup> Defendants Beals, White, and Wineland were dismissed on August 30, 2013. *See* [Doc. 6].

**IT IS THEREFORE ORDERED** that the Plaintiff's Request for Judicial Notice in Support of Plaintiff's First Amended Complaint [Doc. 68] is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk shall **STRIKE** [Doc. 68-1 and Docs. 69 through 91].

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**